THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7421 of 2007

19.4.2007

Between:

K.Suryanarayana Varma, S/o.late K.V.Rama Raju
and others

… Petitioners

AND

The Government of Andhra Pradesh represented by its
Principal Secretary, Revenue Department, Secretariat, Hydeabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7421 of 2007

ORDER:

The petitioners, who are eleven in number, filed the writ petition seeking a writ of Mandamus declaring the action of the Revenue Divisional Officer, Visakhapatnam (RDO) – fifth respondent herein; in not sending the records as directed by the Commissioner of Appeals – third respondent herein; in spite of the communications dated 08.11.2004, 03.12.2004, 10.3.2005, 14.10.2005, and the endorsement dated 27.10.2006 issued by the Government of Andhra Pradesh as illegal and arbitrary and for a consequential direction to send the records to third respondent.

The seventh respondent herein and one B.V.Satyanarayana filed application for ryotwari patta under Andhra Praesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (the Act, for brevity) before Special Deputy Tahsildar (Inams), Visakhapatnam (IDT). They claimed patta also in respect of the land admeasuring Acs.4.95 in T.D.No.481 situated at Yendada village of Chinagadili Mandal in Visakhapatnam District. The claim of seventh respondent was accepted and patta was issued by proceedings dated 10.4.1978 whereas the claim of B.V.Satya Narayana was rejected. By the same order, father of petitioner No.1, namely, K.V.Rama Raju, was also granted patta. Aggrieved by this, seventh respondent filed appeal being AIA No.2 of 1978 against K.V. Rama Raju before fifth respondent, who by order dated 29.5.1983 set aside the order of the IDT and directed *suo motu* enquiry under Section 10-A of the Act. Sixth respondent then filed a revision petition before third respondent without impleading the petitioners. The petitioners then filed application on 13.9.2004 to get impleaded in the revision petition. Fifth respondent was directed to conduct enquiry and sent the relevant

record. In spite of repeated reminders, records were not sent by fifth respondent. Petitioners then got issued a legal notice dated 14.10.2006 to fifth respondent as well as other authorities. In response to which, Government of Andhra Pradesh sent an endorsement dated 14.10.2006 directing the District Collector to take necessary action, in vain. Therefore, the present writ petition is filed.

The petitioners have already approached third respondent to get impleaded in the revision petition filed by sixth respondent. Steps are being taken by third respondent to call for the records. Merely because there is some delay on the part of fifth respondent, petitioners cannot invoke the jurisdiction under Article 226 of Constitution of India to seek a direction to fifth respondent to send the records. This Court exercising extraordinary jurisdiction, is not a proper forum to act as records procuring agency for a duly constituted statutory authority. The Commissioner of Appeals as well as first respondent have enough powers to get things done in due discharge of their statutory functions.

The writ petition is wholly misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

April 19, 2007.
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